

FILED
DISTRICT COURT OF GUAM

JAN 11 2008

JEANNE G. QUINATA
Clerk of Court

SHIMIZU CANTO & FISHER
Suite 101 Dela Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.472.1131

TOUSLEY BRAIN STEPHENS PLLC
Kim D. Stephens, P.S., *Pro Hac Vice*
Nancy A. Pacharzina, *Pro Hac Vice*
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
206.682.5600

Attorneys for Plaintiffs Mary Grace Simpao and Janice Cruz

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

MARY GRACE SIMPAO, CHRISTINA
NAPUTI, and JANICE CRUZ, on behalf of
themselves and a class of others similarly
situated,

Plaintiffs,

vs.

GOVERNMENT OF GUAM,

Defendant,

vs.

FELIX P. CAMACHO, Governor of Guam,
Intervenor-Defendant.

CASE NO. CV04-00049
CASE NO. CV04-00006

SECOND SUPPLEMENTAL
DECLARATION OF JAMES L. CANTO
IN SUPPORT OF SIMPAO PLAINTIFFS'
APPLICATION FOR ATTORNEYS'
FEES AND COSTS

I, James L. Canto II, declare as follows:

1. I am a partner of the law firm Shimizu Canto & Fisher and co-counsel for class representatives Simpao and Cruz. I submit this Supplemental Declaration in response to the Court's direction rendered January 10, 2008, to submit evidence of my firm's additional

SECOND SUPPLEMENTAL DECLARATION OF JAMES L.
CANTO IN SUPPORT OF SIMPAO PLAINTIFFS'
APPLICATION FOR ATTORNEYS' FEES AND COSTS - 1

1 expense of costs subsequent to the filing made by the undersigned on October 12, 2007, and in
2 further support of my firm's and my co-counsel's application for an award of attorneys' fees
3 for services rendered in the above-captioned matter, and for reimbursement of expenses
4 reasonably incurred in connection with this litigation. This is intended to supplement the
5 declaration previously submitted on October 12, 2007 entitled *DECLARATION OF JAMES L.*
6 *CANTO IN SUPPORT OF SIMPAO PLAINTIFFS' SECOND APPLICATION FOR*
7 *ATTORNEYS' FEES AND COSTS.*

8 2. Attached to this declaration as "Exhibit 9", are three (3) invoices generated by
9 Hilsoft Notifications billing for expert consulting services in the field of class notice in
10 nationwide class actions, and class actions generally, rendered to the Simpao Plaintiffs'
11 counsel.

12 3. These charges incurred for expert consultant services utilized by the Simpao
13 Plaintiffs' counsel were vital to the analysis of the fairness of the proposed settlement
14 agreement which is pending a ruling on final approval by the Court.

15 4. The total amount of costs incurred by this firm for said necessary expert
16 consultant services is Fifteen Thousand Seven Hundred Eighty Nine Dollars and Eighty Three
17 Cents (\$ 15,789.83).

18
19 I declare under penalty of perjury under the laws of the United States and the Territory
20 of Guam that the foregoing is true and correct.

21
22 Executed this 17th day of January 2008.

23
24 
25 _____
26 JAMES L. CANTO II



Hilsoft Notifications
123 E. Broad St
Souderton, PA 18964

Remit To Address:
Hilsoft, Inc.
Dept. 0266
P.O. Box 120266
Dallas, TX 75312-0266

Invoice

DATE	INVOICE #
8/31/2007	44807

BILL TO
Tousley Brain Stephens PLLC Kim D. Stephens 1700 Seventh Ave., Ste 2200 Seattle, WA 98101-4416

P.O. NO.	TERMS	PROJECT
K. Stephens	Due on receipt	Guam

ITEM	QUANTITY	SERVICED	DESCRIPTION	RATE	AMOUNT
			Staff time in connection with the Guam litigation.		
			TH: Todd Hilsee, BC: Barbara Coyle, GI: Gina Intrepido, CP: Carla Peak, JK: JoAnn King, SW: Shannon Wheatman, SLB: Sandy Lee Brown; JAK: Judith Kooker; PT: Philip Turick; LS: Luran Schultz		
GI	0.9	8/1/2007	Review Declaration and the Government's Reply; develop counter points/concerns with Government's Reply; investigate circulation of Guam newspapers; investigate Guam's population; contact client to inform that we can provide a rebuttal.	325.00	292.50
PT	0.75	8/1/2007	Conduct media run to find relationship between low-income adults and newspaper readership in Guam.	175.00	131.25
GI	0.4	8/2/2007	Continue to develop rebuttal points to Government's Reply; contact client to determine if a Declaration should be written.	325.00	130.00
TH	0.6	8/3/2007	Review rebuttal of notice and notice plan affidavit; calls and meet with staff.	450.00	270.00
GI	0.9	8/7/2007	Staff meeting to discuss rebuttal points to Governor's and Government of Guam's reply; contact client to substantiate a need for Supplemental Declaration.	325.00	292.50
GI	6.9	8/21/2007	Call with client to review strategies; write Supplemental Declaration and prepare Exhibits; proof and edit Declaration; prepare Declaration for submission.	325.00	2,242.50
TH	1.2	8/21/2007	Review and comment on supplemental Declaration.	450.00	540.00
Fed. ID 23-2785427 Thank You				Total	\$3,898.75

EXHIBIT 9



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DATE	INVOICE #
9/28/2007	44822

BILL TO

Tousley Brain Stephens PLLC
Kim D. Stephens
1700 Seventh Ave., Ste 2200
Seattle, WA 98101 4416

P.O. NO.	TERMS	PROJECT
K. Stephens	Due on receipt	Guam

ITEM	QUANTITY	SERVICED	DESCRIPTION	RATE	AMOUNT
			Staff time and out of pocket expenses in connection with the Guam litigation. TH: Todd Hilsee, BC: Barbara Coyle, GI: Gina Intrepido, CP: Carla Peak, JK: JoAnn King, SW: Shannon Wheatman, SLB: Sandy Lee Brown, JAK: Judith Kooker, PT: Philip Turick, LS: Lauran Schultz		
GI	1.4	8/6/2007	Write out rebuttal points that should be considered for a Reply Declaration.	325.00	455.00
TH	0.8	9/25/2007	Call with staff, re: settlement notice issues and planning.	450.00	360.00
GI	1.4	9/25/2007	Call with client to discuss outcome of hearing and discuss next steps; internal meeting to discuss outcome of case and next steps; summarize the key points argued in our Declaration.	325.00	455.00
GI	0.6	9/26/2007	Staff discussion on cost to develop notice documents and an opinion affidavit; contact client with cost estimate and evidence to support a SS# lookup effort.	325.00	195.00
MCI			Phone call on 09/14/07.	0.24	0.24
Fed. ID 23-2785427 Thank You				Total	\$1,465.24



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DATE	INVOICE #
6/29/2007	44762

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Tousley Brain Stephens PLLC
Kim D. Stephens
1700 Seventh Ave., Ste 2200
Seattle, WA 98101-4416

P.O. NO.	TERMS	PROJECT
K. Stephens	Due on receipt	Guam

ITEM	QUANTITY	SERVICED	DESCRIPTION	RATE	AMOUNT
			Staff time in connection with the GUAM litigation. TH: Todd Hilsee, BC: Barbara Coyle, GI: Gina Intrepido, CP: Carla Peak, JK: JoAnn King, SW: Shannon Wheatman, SLB: Sandy Lee Brown, JAK: Judith Kooker, SC: Sally Costello		
CP	0.75	6/18/2007	Meet with vice president to review case and determine next steps.	200.00	150.00
GI	1.6	6/18/2007	Review background information on the case; call with client to discuss background, strategies, and timing of implementation.	325.00	520.00
TH	3.5	6/18/2007	Telephone call with staff, re: assignment to study and opine on notice issues in settlement of EIC case; study documents in the case.	450.00	1,575.00
CP	3.5	6/19/2007	Analyze notice content and design; call with president and vice president to review case, details, and affidavit needs; draft notice content and design sections of affidavit.	200.00	700.00
Fed. ID 23-2785427 Thank You				Total	



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Dallas, TX 75312-0266

Invoice

DATE	INVOICE #
6/29/2007	44762

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Kim D. Stephens
1700 Seventh Ave., Ste 2200
Seattle, WA 98101-4416

P.O. NO.	TERMS	PROJECT
K. Stephens	Due on receipt	Guam

ITEM	QUANTITY	SERVICED	DESCRIPTION	RATE	AMOUNT
GI	10.8	6/19/2007	Review additional background material including the Defendants' notice plan and notice documents; research and analyze Guam's adult population, military population, mobility and poverty statistics and compare data to that of the U.S.; research qualifications for EIC; research and analyze Guam demographics and local media (circulation, publication size, audience data, etc.); outline initial concerns with Defendants' notice plan and notice documents; staff meeting to review concerns and discuss additional strategies; begin to write Declaration on the Adequacy of Notice; contact client to request additional information (details on mailing envelope, size of notice in publications, etc.).	325.00	3,510.00
CP	5	6/20/2007	Work on Notice design and content sections of affidavit; review and revise affidavit; contact two newspapers used in plan to determine actual size of ad that ran.	200.00	1,000.00
GI	4.9	6/20/2007	Review, revise, and edit the Declaration on the Adequacy of Notice; research military population and average length of stay; research IRS claims request cost; review client documents; call with client to discuss comments to Declaration.	325.00	1,592.50
CP	1.5	6/21/2007	Prepare exhibits for submission with affidavit.	200.00	300.00
GI	3.3	6/21/2007	Input edits into the Declaration; final proof of Declaration; prepare signature page and pull document together for submission to the Court.	325.00	1,072.50
Fed. ID 23-2785427 Thank You				Total	



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K. Stephens	Due on receipt	Guam

ITEM	QUANTITY	SERVICED	DESCRIPTION	RATE	AMOUNT
COPY	146		Photocopies of documents through June 29, 2007.	0.04	5.84
Fed. ID 23-2785427 Thank You				Total	\$10,425.84

CERTIFICATE OF SERVICE

I, JAMES L. CANTO II, certify that I caused a copy of the foregoing document here filed to be served on the following individuals or entities on January 11, 2008, via hand delivery at the following addresses:

Counsel for Petitioner
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Tamuning, Guam 96913

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Governor's Complex
East Marine Corps Drive
Adelup, Guam 96910

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Respectfully submitted this JANUARY 11, 2008

SHIMIZU CANTO & FISHER
TOUSLEY BRAIN STEPHENS PLLC



James L. Canto II
Attorneys for Plaintiffs